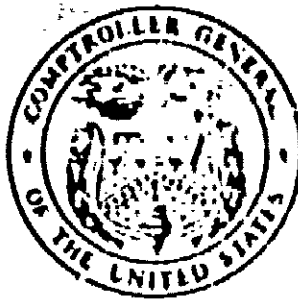


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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-206436

DATE: March 12, 1982

MATTER OF: Ronald L. Cain, M. D.

DIGEST:

Protest filed with GAO more than 10 days after the protester had actual knowledge of initial adverse agency action, award to another offeror, is untimely and will not be considered.

On February 17, 1982, we received a letter of February 12, 1982, from Ronald L. Cain, M. D. (Cain) protesting the allegedly unfair evaluation of its proposal and an improper award of contract No. 243-81-0029 to P.S., Inc., under a request for proposals issued by the Department of Health and Human Services.

The RFP called for radiology consulting services at various locations in Alaska. Cain contends that the negotiation procedures were illegal and that certain Government personnel acted improperly.

The record indicates that, at the latest, Cain knew or should have known the basis of his protest on January 29, 1982, when he learned that an award had been made to another offeror and one member of the evaluation committee allegedly was not qualified to render a fair and impartial recommendation.

The protest is untimely. Section 21.2(a) of our Bid Protest Procedures, 4 C.F.R. § 21.2(a) (1981), requires that a protest from an adverse agency action be received in our Office within 10 days of knowledge of the action. Because Cain's protest was not filed until February 17, 1982, which is more than 10 days after January 29, 1982, when it received knowledge of adverse agency action (the award to P.S., Inc.) it is untimely. See, The Hilrad Company, B-199638, August 22, 1980, 30-2 CPD 143.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel